

Readopt w/Amendments Ins 1300, effective 7-1-93 (Document #5650), as amended, effective 7-1-99 (Document #7029), as amended 10-29-99 (Document #7124), to read as follows:

CHAPTER Ins 1300 **[AGENTS, BROKERS] PRODUCERS** AND ADJUSTERS

Statutory Authority: RSA 400-A:11, I.; RSA 400-A:15, I.; RSA 402-B:6; RSA 402-D:20; RSA 402-J:18

PART Ins 1301 **[EDUCATIONAL REQUIREMENTS FOR PROSPECTIVE AGENTS AND BROKERS] CONTINUING EDUCATION GENERAL INFORMATION**

Ins 1301.01 Purpose.

**(a)** The purpose of this **[part] rule** is to **provide criteria and requirements for continuing education. [set up minimum educational requirements for individuals applying for agents' and brokers' licenses.]**

**(b)** This **[part] rule** shall apply to **all producers and to all adjusters of:**

**(1) [I] Life, accident and health insurance, and**

**(2) [p] Property and casualty insurance, including workers' compensation.**

Ins 1301.02 Definitions. **For the purposes of this rule the following definitions shall apply:**

**(a) "Adjuster" means:**

**(1) A public adjuster licensed by the department pursuant to RSA 402-D; and**

**(2) An insurance claims adjuster licensed by the department pursuant to RSA 402-B.**

**[(a)] (b)** "Commissioner" means the insurance commissioner of the state of New Hampshire.

**(c) "Department" means the New Hampshire insurance department.**

**[(b)] (d)** "Insurance producer" means an **[insurance agent or an insurance broker] individual** licensed by the New Hampshire insurance Department **pursuant to RSA 402-J.**

**[(c)] (e)** "Insurer" means an insurance company licensed or authorized to do business in the state of New Hampshire.

**(f) "Producer" means insurance producer.**

**(g) "Self-study course" means a course that can be completed by self-study, independent reading or online courses.**

**(h) "Sponsoring organization" means the organization who is preparing and presenting a continuing education program.**

PART Ins 1302 **CONTINUING EDUCATIONAL REQUIREMENTS FOR PRODUCERS AND ADJUSTERS**

**Ins 1302.01 Purpose.** The purpose of this part shall be to establish requirements and standards for continuing education programs for a person licensed as a:

**(a) Resident producer;**

(b) Public adjuster; and

(c) Insurance claims adjuster.

Ins 1302.02 Applicability.

(a) This part shall apply to producers licensed in the following line(s) of insurance:

(1) Life insurance, including annuities;

(2) Variable contracts, including annuities;

(3) Sickness, accident and health insurance;

(4) All lines of property and casualty insurance; and

(5) All other lines of insurance for which an examination is required for licensing.

(b) This part shall apply to persons licensed as:

(1) A public adjuster; and

(2) An insurance claims adjuster.

(c) This part shall not apply to a person resident in another state holding a producer license in this state and for which an examination is not required by rule in their state of domicile, nor shall it apply to persons engaged in the sale of physical damage only, motor vehicle warranty, travel accident, home warranty or title insurance.

[Ins 1301.03 Educational Requirements.

(a) An individual applying for a new agent's or broker's license shall have completed the educational requirements prescribed in either Ins 1302.04(a) or Ins 1302.04(b) within 2 years prior to the date application is filed with the insurance department in order to be eligible for a license.

(b) The applicants shall have successfully completed approved courses of instruction in insurance. Such courses of instruction may be either attendance at, or under the supervision and direction of, or by correspondence with, an educational institution, trade organization or insurance company. A list of approved courses shall be made available by the commissioner.

(c) The applicant shall have had 6 months of experience as an employee of an insurance agent or broker, or of an insurance company, its manager, general agent or representative or equivalent experience as determined by the insurance commissioner in the lines for which he is to qualify.

(d) Agents holding temporary licenses for 6 months who have spent their full time in the insurance business during that period shall be considered to have complied with the requirements as to experience as provided for in Ins 1302.04(c).

Ins 1301.04 Affidavits Required.

(a) An application for an agent's or broker's license shall be accompanied by a certificate in cases where a course of instruction has been taken showing that the course has been approved by the commissioner and that the applicant has successfully completed the course.

(b) In cases where the applicant seeks to be qualified by experience, an affidavit shall be supplied stating:

- (1) The nature of the duties performed by the applicant;
- (2) The name of his/her employer;
- (3) The period of employment; and
- (4) The amount of time devoted as a full-time employee.

**Ins 1301.05 Previously Licensed Applicants.** An applicant who was previously licensed to write the kinds of insurance for which application is presently being made, and who has been terminated for a period in excess of 2 years shall also be required to meet the educational requirements.

**Ins 1301.06 Reciprocity.**

(a) Non-resident brokers and non-resident agents applying for licenses based on the fact that they are licensed in the state of their residence shall not only submit a certificate that they are so licensed, but shall also have complied with the educational requirements set forth in these parts.

(b) Non-resident brokers and non-resident agents shall be deemed to have complied with the educational requirements if they have been licensed in the state of residence for 6 months or more in the lines for which they wish to be licensed in New Hampshire, thus meeting the experience qualification of Ins 1301.04(c). Such qualification by experience obtained through licensing by their prior state of residence shall also be applicable to non-resident brokers and non-resident agents moving to New Hampshire and seeking to be licensed as resident brokers and resident agents.

(c) Non-resident brokers and non-resident agents shall certify that the educational requirements have been met by one of the aforesaid methods.

#### **PART Ins 1302 CONTINUING EDUCATIONAL REQUIREMENTS**

**Ins 1302.01 Purpose.** The purpose of this part shall be to establish requirements and standards for continuing education programs for persons licensed as agents, brokers or consultants, workers' compensation adjuster, public adjusters, and insurance adjusters.

**Ins 1302.02 Applicability.**

(a) This part shall apply to resident persons licensed as agents, brokers or consultants in the following lines of insurance:

- (1) Life insurance, annuity contracts, variable annuity contracts and variable life insurance;
- (2) Sickness, accident and health insurance;
- (3) All lines of property and casualty insurance; and
- (4) All other lines of insurance for which an examination is required for licensing.

(b) This part shall apply to resident persons licensed as public adjusters, insurance adjusters, and persons licensed as insurance adjuster for workers' compensation only or persons holding any license which includes the authority to adjust workers' compensation claims.

(c) This part shall not apply to those persons holding resident licenses for any kind or kinds of insurance for which an examination is not required by law or rule of this state, nor shall it apply to physical damage, motor vehicle warranty, travel accident, home warranty, or title insurance.

**Ins 1302.03 Continuing Education Advisory Councils.**

(a) There shall be hereby established 2 continuing education advisory councils, as follows:

(1) One continuing education advisory council shall be for agents, brokers, and consultants. This council shall be known as the "ABC council".

(2) The second continuing education advisory council shall be for licensed adjusters, workers' compensation adjusters, and public adjusters. This council shall be known as the "adjusters council".

(b) The ABC council shall consist of:

(1) Three members representing the New Hampshire Association of Life Underwriters;

(2) Three members representing the Independent Insurance Agents of New Hampshire;

(3) Three members representing the Professional Insurance Agents of New Hampshire; and

(4) Three members representing agents for direct writers.

(c) The adjusters council shall consist of six members.

(d) All council members shall be appointed by the commissioner and shall serve for a 2 year term. The terms of the current members shall continue until the expiration of their respective terms.

(e) The councils shall meet at least once a year and additionally as required. The councils shall advise the commissioner on the plans and operation of the continuing education programs established by this part.

**Ins 1302.[04] 03 Educational Requirements For [Agents, Brokers, and Consultants] Producers.**

(a) Every resident [agent, broker, or consultant] producer seeking renewal of a license shall [submit a certification that the applicant has] be required to have satisfactorily completed courses or programs of instruction or attended seminars during the preceding 24 months no later than 60 days prior to the required renewal date equivalent to [30] 24 continuing education hours of instruction [which] that have been previously approved by the commissioner [during the preceding 24 months prior to the required CEA-5 submission due date].

(b) [All c] Certification[s] shall be submitted [by to the department by the administrator of the department's continuing education programs on behalf of] the applicant. However, [E] each applicant shall be responsible for submitting [a] the certification [shall maintain the] documentation required to be provided to them by Ins [1302.06] 1303.05 for inspection by the commissioner upon request. [Certification shall be submitted on form CEA-5 when 30 credit hours have been completed and at least 60 days prior to the license expiration date.]

[(b)] (c) The courses or programs of instructions successfully completed with a passing grade [which] that shall be deemed to meet the requirements for the biennial period shall be:

- (1) Any part of the Life Underwriter Training Council Fellowship LUTCF Designation Program;
- (2) Any part of the Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), or Certified Financial Planner (CFP) diploma curriculum;
- (3) Completion of any part of the American Institute for Property and Liability Underwriters diploma curriculum;
- (4) Any part of the Certified Insurance Counselor diploma program; **[and] or**
- (5) Any part of the Insurance Institute of America diploma curriculum.

**[(c)] (d)** Programs or curricula for continuing education credit **[developed by the sponsors]** enumerated in Ins 1302.**[04 (b)] 03 (d)** above shall be subject to the course evaluation criteria and accreditation as required in Ins **[1302.05] 1303.02**. **[The sponsor shall offer only those courses and curricula that have received properly pre-approved designation.]**

**(e) Continuing education credits shall not be given for any course that does not provide at least 50 minutes of classroom instruction for each continuing education credit assigned unless such course is a self-study course as determined by the continuing education council.**

**(f) Of the 24 continuing education hours required in (a) above, at least 3 hours, but no more than 10 hours, shall consist of courses approved for ethics credit.**

**(g) Successful passage of the state producer licensing exam shall satisfy the ensuing renewal.**

Ins 1302.**[05] 04** Educational Requirements for [Licensed] Insurance Claims Adjusters [, Workers' Compensation Adjusters,] and Public Adjusters.

**(a) Every insurance claims adjuster seeking renewal of a license shall during the preceding 24 months complete courses or programs of instruction or attend seminars equivalent to 20 continuing education hours of instruction that have been approved by the commissioner.**

**[(a)] (b)** **For insurance claims adjusters adjusting [Every] workers' compensation claims, [insurance adjuster seeking renewal of a license shall submit certification that the application has during the preceding 24 months prior to the required CEA-5 submission due date satisfactorily completed courses or programs of instruction or attended seminars equivalent to 20 continuing education hours or instruction which have been approved by the commissioner. O] of the 20 hours required in (a) above,** 10 hours shall inform the licensee of the current workers' compensation laws of this state, and 10 hours shall be in any other preapproved multi-line claims adjusters course of instruction.

**[(b)] (c)** Every public adjuster seeking renewal of a license shall **[submit certification that the application has]** during the preceding 24 months **[prior to the required CEA-5 submission due date]** satisfactorily complete**[d]** courses or programs of instruction or attend**[ed]** seminars equivalent to 15 continuing education hours of instruction **[which] that** have been approved by the commissioner.

**[(c)]** Every insurance adjuster seeking renewal of a license shall submit certification that the applicant has during the preceding 24 months prior to the required CEA-5 submission due date satisfactorily completed courses or programs of instruction or attended seminars equivalent to 20 continuing education hours of instruction which have been approved by the commissioner.]

**(d) Continuing education credits shall not be given for any course which does not provide at least 50 minutes of classroom instruction for each continuing education credit assigned unless such course is a self-study course.**

(e) Successful passage of the state insurance claims adjuster licensing exam shall satisfy the ensuing renewal.

(f) Successful passage of the state public adjuster licensing exam shall satisfy the ensuing renewal.

[(d)] (g) [All] c] Certifications shall be submitted to the department by the [applicant] administrator of the department's continuing education programs on behalf of the applicant. However, [E] each applicant shall be responsible for submitting [a] the certification [shall maintain the] documentation required to be provided to them by Ins [1302.06] 1303.05 for inspection by the commissioner upon request.

[(e) Certification shall be submitted on Form CEA-5 when the necessary credit hours have been completed and at least 60 days prior to the license expiration date.]

(h) A nonresident insurance claims adjuster's or public adjuster's satisfaction of their home state's continuing education requirements for licensed insurance claims adjusters or public adjusters shall constitute satisfaction of this state's continuing education requirements if the nonresident insurance claims adjuster's or public adjuster's home state recognizes the satisfaction of its continuing education requirements imposed upon insurance claims adjusters or public adjusters from this state on the same basis.

Ins 1302.05 Penalty. Any person failing to meet the requirements imposed upon him by this rule and who has not been granted an extension of time within which to comply pursuant to Ins 1302.04 (g) hereof shall be subject to the provisions of RSA 400-A:15, and no further license shall be issued to such person for any kind or kinds of insurance until such time as such person shall have demonstrated that he has complied with all the requirements of this part and all other laws applicable thereto.

## PART Ins 1303 CONTINUING EDUCATIONAL COUNCILS, COURSES AND APPROVALS

### Ins 1303.01 Continuing Education Advisory Councils.

(a) There shall be hereby established 2 continuing education advisory councils, as follows:

(1) One continuing education advisory council shall be for producers. This council shall be known as the "Producers' Council".

(2) The second continuing education advisory council shall be for licensed claims adjusters and public adjusters. This council shall be known as the "Adjusters' council".

(b) The Producers' council shall consist of:

(1) Three members representing the National Association of Insurance and Financial Advisors of New Hampshire;

(2) Three members representing the Independent Insurance Agents of New Hampshire;

(3) Three members representing the Professional Insurance Agents of New Hampshire; and

(4) Three members representing agents for direct writers.

**(c) The Adjusters council shall consist of a minimum of 6 members, with at least one member representing public adjusters.**

**(d) All council members shall be appointed by the commissioner and shall serve for a 2 year term. The terms of the current members shall continue until the expiration of their respective terms.**

**(e) The councils shall meet at least once a year and additionally as required.**

**(f) The councils shall advise the commissioner on the plans and operation of the continuing education programs established by this part.**

Ins [1302.06] **1303.02** Criteria.

(a) The continuing education advisory councils shall review and evaluate courses submitted for continuing education credit hours and recommend to the commissioner an appropriate number of continuing education hours for each course submitted. The commissioner shall then assign to each course the number of continuing education credit hours. In order to secure review and evaluation of the course by the continuing education advisory councils submission shall be made at least 45 days prior to commencement of the program.

(b) The course review and evaluation by the continuing education advisory council(s) shall result in a recommendation for approval by the commissioner of an appropriate number of continuing education hours for each complete course submission made, provided the following criteria are met:

- (1) A clear and concise statement of purpose, goals and objectives;
- (2) The level of knowledge the participant should obtain upon completion;
- (3) Program relevancy;
- (4) Contribution to the professional competence of the participant;

**[(5) Evidence of faculty competency;]**

**[(6)] (5)** Maintenance of records of attendance and successful completion of their program;  
and

**[(7)] (6)** The program's attempt to assess its effectiveness in accomplishing its purpose, goals and objectives.

**[(c) Continuing education credits shall not be given for any course, unless such course is approved as a self-study course, which does not provide at least 50 minutes of classroom instruction for each continuing education credit assigned.**

**(d) Successful passage of the state agent's, broker's or consultant's licensing exam shall entitle an individual to 30 continuing education credit hours which shall satisfy the ensuing renewal.**

**(e) Successful passage of the state workers' compensation adjusters licensing exam shall entitle an individual to 20 continuing education credit hours.**

**(f) Successful passage of the state insurance adjuster's licensing exam shall entitle an individual to 20 continuing education credit hours, which shall satisfy the pending renewal.]**

Ins [1302.07] **1303.03** Compliance.

(a) The sponsoring organization shall maintain **[permanent]** records of all continuing education hours obtained through the sponsoring organization's programs **for 6 years.**

(b) Every sponsoring organization shall **on behalf of the successful student,** furnish to the **administrator of the department's continuing education program [successful student]** written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person. Such certification shall be executed by or on behalf of the sponsoring organization.

(c) **[The commissioner shall grant an extension of time, if requested, during which the requirements as imposed by Ins 1302.04 and 1302.05 shall be completed, but such extension of time shall not exceed the period of one year. Credits completed during the extension period shall only apply to the current renewal period.] The sponsor shall offer only those courses and curricula that have received properly pre-approved designation pursuant to this part.**

**[Ins 1302.08 Penalty.**

(a) Any person failing to meet the requirements imposed upon him by this rule and who has not been granted an extension of time within which to comply pursuant to Ins 1302.07 hereof, or who has submitted to the commissioner a false or fraudulent certificate of compliance therewith, shall be subject to the provisions of RSA 400-A:15, and no further license shall be issued to such person for any kind or kinds of insurance until such time as such person shall have demonstrated that he has complied with all the requirements of this part and all other laws applicable thereto.

(b) The commissioner shall assess a fine up to \$100 for failure to comply with Ins 1302.04, Ins 1302.05 and Ins 1302.07.]

Ins **[1302.09] 1303.04 Course Approval.**

(a) A sponsoring organization applying for continuing education course approval shall submit a **[Form CEA-1] course application** containing the following:

(1) Name of sponsoring organization;

(2) Title of course;

**[(3) Location, facility and date;**

**[(4)] (3) Course objective;**

**[(5)] (4) Major course topic;**

**[(6)] (5) Course length;**

**[(7)] (6) States that have approved the course;**

**[(8)] (7) Type of course;**

**[(9)] (8) Teaching method;**

**[(10)] (9) Method of evaluation;**

**[(11)] (10) Method to verify attendance;**

**[(12)] (11) Description of permanent records; and**

**[(13)] (12) Name of contact person.**

(b) No continuing education course or program for continuing education credit shall be conducted until the course or program has been approved by the commissioner.

(c) No **[CEA-2 or CEA-5 Forms] course completion certificate** shall be issued until the sponsor has complied with all provisions of **[Ins 1302.09(a) and (b) and Ins 1302.06] Ins 1303.02 and Ins 1303.04 (a) and (b).**

(d) Any sponsor who fails to meet the requirements of this section or fails to comply with these rules shall not have their courses approved and no further accreditation shall be issued to such sponsor for any course or program until such time as such sponsor shall have demonstrated **[that he has complied] compliance** with all the requirements of these rules and all other laws applicable thereto.

Ins **[1302.10 Continuing Education CEA-2 Form Required] 1303.05 Course Completion Certificate.** Each sponsoring organization shall provide to each student a **[CEA-2 Form] course completion certificate** for each course receiving continuing education credit containing the following:

- (a) Sponsoring organization;
- (b) Course number;
- (c) Course title;
- (d) Date of course;
- [(e) Location;]**
- [(f)] (e)** Total continuing education hours;
- [(g)] (f)** Name of student; and
- [(h)] (g)** Certification by sponsoring organization.

**[Ins 1302.11 Continuing Education Summary.** Each applicant for renewal of an agent, broker or consultant license shall submit a continuing education summary, CEA-5 containing the following:

- (a) Name;
- (b) Address;
- (c) Social Security number of the applicant;
- (d) The license for which the applicant is seeking renewal;
- (e) A list of continuing education courses taken and number;
- (f) Date course completed;
- (g) Course title;
- (h) Credit hours approved; and
- (i) A certification signed by the applicant.]

Ins **[1302.12] 1303.06 Continuing Education Course List.**

(a) It shall be the responsibility of the student to ascertain the approved status of a course or program being offered.

(b) Credit shall not be given to any student who completes **[and submits a certificate for]** an unapproved course or program. **[However, if the student can prove that the course or program was misrepresented as an accredited or approved course or program the student shall receive credit.]**

## **[PART Ins 1303 FIDUCIARY OBLIGATION OF AGENTS AND BROKERS**

### **Ins 1303.01 Fiduciary Obligation.**

(a) Any money received by an agent or broker as premium or return premium on or under any policy of insurance or application therefor, shall be received by him/her in his/her fiduciary capacity.

(b) Any agent or broker who appropriates to his own use, or, with intent to appropriate to his/her own use, takes, secretes, withholds, lends, invests or otherwise disposes of, uses or applies any such premium or return premium received by him/her, contrary to the instructions or without the consent of the insurer for or on account of which the same was received by him/her, shall be deemed to have violated this part, irrespective of whether he/she has or claims to have any commission or other interest in such premium or return premium.

(c) Premiums and return premiums shall be received by an insurance producer in his/her fiduciary capacity and the diversion of premiums or return premiums to the insurance producer's personal use shall violate the provisions of Ins 1303.02. Insurance producers hold premiums and return premiums as a trustee, and not as the owner of the beneficial title to the funds. Insurance producers must treat all premiums and return premiums as trust funds and segregate them from their own funds.

(d) The insurance producer shall keep an accurate record of all fiduciary funds in accordance with Ins 1303.06. The insurance producer shall not treat insurance premiums or return premiums as a personal asset. The insurance producer's financial statement shall clearly show those funds which are held in trust accounts for the benefit of insurers and that the liability section of the producer's statement shall reflect the balances due companies from such trust accounts. An insurance producer shall not use fiduciary funds as collateral for a personal or business loan.

(e) In order to meet his/her fiduciary obligations, an insurance producer shall set up a premium trust account pursuant to Ins 1303.02 in a bank or financial institution and maintain all fiduciary funds in such bank or financial institution until actually remitted to the insurer or person entitled thereto. The remittance of premiums shall be governed by the terms of the individual contracts or agreements between the producer and insurer.

### **Ins 1303.02 Establishment of Premium Trust Account.**

(a) Each insurance producer shall establish a premium trust account if the insurance producer expects to receive premiums or return premiums on New Hampshire business.

(b) An insurance producer shall only utilize such accounts that require no advance notice for the withdrawal of funds, and all insurance producers shall arrange all such accounts so that the funds therein contained shall be immediately available during normal business hours.

(c) Fiduciary funds on New Hampshire business shall at all times be maintained in the premium trust account separate from any other account or depository. Such account shall be in an amount at least equal to the premiums and return premiums, net of commissions, received by him and unpaid to the persons entitled thereto, or, at their direction or pursuant to written contract, for the account of such persons.

(d) The balance in the premium trust account, plus premiums due from insureds less an amount equal to 110 percent of the average bad debts figured over the preceding 3 years, shall at all times be equal to or exceed the balance due the insurers.

(e) The insurance producer's New Hampshire premium trust account signature card shall contain the following notation:

"This is an insurance premium trust account maintained under the provisions of Chapter Ins 1300, Part Ins 1303."

(f) Checks drawn on the premium trust account shall bear the notation "Premium Trust Account."

**Ins 1303.03 Commingling of Funds Prohibited.**

(a) Under no circumstances shall an insurance producer place fiduciary funds in a personal or business operating account. The insurance producer may retain commission income or other funds in his premium trust account in order to advance premiums, establish reserves for paying return commissions or for such contingencies as may arise in his business of receiving and transmitting premiums of return premium funds.

(b) Insurance producers may retain a portion of their unearned commissions in the premium trust account in order to avoid being short in the event of a policy cancellation. When a policy is cancelled and the return premium is received by the insurance producer by means of a credit or otherwise, those funds must be placed in his premium trust account until remitted to the insured entitled thereto.

(c) Cash premium payments shall not be deposited into the insurance producer's personal account in order to draw a personal check in the amount of net premium payment to the insurer. The use of personal checks to transmit fiduciary funds shall be prohibited in any situation as it results in commingling the fiduciary funds with the producer's personal funds.

**Ins 1303.04 Return Premiums.** The insurance producer shall hold the return premiums as a fiduciary. He/she shall retain the return premium in his trust account until remittance to the client is made which is to occur no later than 45 days from the date the return premium is determined. If the return premium cannot be delivered to the insured entitled thereto, the funds shall be returned to the insurer. The insurer shall report the funds escheated to the state of New Hampshire, in accordance with applicable statutes.

**Ins 1303.05 Exchange Terms.** Transactions which are handled simply as exchange items, such as New Hampshire automobile reinsurance facility business and direct mail downpayments, shall flow through the premium trust account.

**Ins 1303.06 Recordkeeping Requirements.**

(a) The following records relative to the premium trust account shall be maintained at all times by the insurance producer:

(1) Periodic statements of account supplied by the bank for all premium trust accounts maintained pursuant to this part;

(2) Records of all deposits made into each premium trust account;

(3) Cancelled checks drawn on, or records of withdrawal of funds from, such premium trust accounts; and

**(4) An accounts receivable listing or similar record.**

**(b) All records described above shall be kept in the principal office in this state of the insurance producer.**

**(c) All records shall be maintained in an orderly manner so that the information therein is readily available and shall be open to inspection or examination by the commissioner at all times.**

**Ins 1303.07 Violations.**

**(a) Violations of this part shall be treated administratively subject to hearing rights pursuant to RSA 400-A:17 and subject to penalties as described in Ins 1303.10.**

**(b) Violations involving possible criminal acts shall be referred to the office of the attorney general or to the county attorney for investigation and prosecution.**

**(c) All insurers and insurance producers shall report any evidence of a violation of Ins 1303.02(b) to the commissioner.**

**Ins 1303.08 Penalty. Any insurance producer who shall knowingly violate any provision of this part shall after hearing be subject to the provisions of RSA 400-A:15, III.]**

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